

APPEAL NO. 020792
FILED MAY 16, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 26, 2002. The hearing officer resolved the sole issue before him by determining that the respondent's (claimant) impairment rating (IR) cannot be determined at this time, and that a new designated doctor should be appointed to determine the claimant's IR. The appellant (carrier) appealed and the claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer determined that the IR issued by the Texas Workers' Compensation Commission (Commission)-selected designated doctor cannot be given presumptive weight because the hearing officer found that there were too many questions surrounding the basis, validity, and credibility of the report. During the hearing, the claimant called into question the validity of the certification and how the designated doctor arrived at his certification. The hearing officer specifically noted his questions and concerns in the statement of the evidence portion of the decision. We note that because the designated doctor who issued the report died in December 2001, in order to provide due process to the claimant, a new designated doctor must be appointed by the Commission. Nothing in our review of the record reveals that the hearing officer's determinations are so contrary to the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. As such, no sound basis exists for us to reverse that determination on appeal. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **TRANSPORTATION INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 N. ST. PAUL STREET
DALLAS, TEXAS 75201.**

Daniel R. Barry
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge